UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,179	07/19/2000	Dimitri Kanevsky	YO999-468	1031

7590	05/04/2006	**EXAMINER**

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EXAMINER
CHUONG, TRUC T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/619,179	KANEVSKY ET AL.
	Examiner	Art Unit
	Truc T. Chuong	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>31 March 2006</u>.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>44-47,49,51-53 and 63-71</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>44-47,49,51-53 and 63-71</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>15 November 2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This communication is responsive to RCE, filed 03/31/06.

Claims 44-47, 49, 51-53, and 63-71 are pending in this application. Claims 44, 63, and 71 are independent claims. In the communication, claims 44, 63 and 71 are amended. This rejection is made non-final.

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31,2006 has been entered.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4.   Claims 44-47, 51-53, and 63-71 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Odam et al. (U.S. Patent No. 5,825,360) in view of Coulombe et al. (U.S.

Patent No. 5,561,753).

As to claim 44, Odam teaches a method for automatic control of window overlap

comprising:

automatically determining priorities of each window of a plurality of overlapping

windows displayed on a graphical user interface (overlapping windows are defined by the

predetermine criteria, the window having the highest priority being positioned in the visual

foreground of the workspace, e.g., col. 3 lines 10-30, col. 6 lines 16-22, and figs. 3, 9-12), and

automatically arranging said plurality of windows to overlap one another in order of said priority

on said graphical user interface (e.g., col. 3 lines 10-30, col. 6 lines 16-22, col. 7 lines 1-11, and

figs. 3, 9-12). Odam also teaches that a logical overlap which means there is a critical area of

each window that the user does not want to be obstructed, it could be an ID, name, title, topic,

etc. of the displayed window (The priority number is initially assigned to each window according

to some predefined criteria, e.g. the relative time of each window's creation, a user's particular

preference, the relative importance of each window, and the like, e.g., col. 7 lines 6-10, and col.

16 lines 11-19); therefore, Odam inherently teaches wherein said window priority is derived

from a topic of each window of said plurality of windows. However, Odam still does not teach

the topic of the window is determined by a frequency of occurrence of at least one keyword in

the window, and the priority of the topic is determined based on a number of times a window

having the topic is accessed. Coulombe teaches This relocation of selectable graphical objects

provides an optimal arrangement facilitating efficient <u>user interaction</u> with the data processing

system by relocating groups of selectable graphical objects in locations consistent with a

predetermined <u>frequency of access</u> criterion, duration of access criterion or other similar <u>priority</u>

<u>determinations</u> (Coulombe, e.g., Abstract, col. 2 lines 32-45). It would have been obvious to a

person of ordinary skill in the art at the time of the invention to modify the priority windows of

Odam based on the frequency access priority determination of Coulombe to provide a convenient

way of enhancing user efficiency in locating and accessing applications (Coulombe, e.g.,

Abstract).

As to dependent claim 45, Odam teaches the method further comprising:

automatically sizing said windows on said graphical user interface according to said

priority (e.g., col. 3 lines 10-30, col. 6 lines 16-22, and figs. 3, 9-12).

As to dependent claim 46, Odam teaches the method further comprising:

automatically positioning said windows on said graphical user interface according to said

priority (e.g., col. 3 lines 10-30, col. 6 lines 16-22, and figs. 3, 9-12).

As to dependent claim 47, Odam teaches the method wherein said windows are

automatically re-arranged only when a redrawing function is selected by a user (redraw function,

e.g., col. 8 lines 20-41).

As to dependent claim 51, Odam teaches the method wherein the contents of said

window is determined by a content label assigned by a user (e.g., col. 7 lines 1-10).

As to dependent claims 52-53, Odam in view of Coulombe teaches the method further

comprising:

automatically re-arranging windows so that said windows overlap one another in order of

said priority on said graphical user interface (see claim 44 above); although, the modified Odam

does not clearly teach re-arranging icons so that icons overlap one another in said task bar on the

GUI, it would have been obvious to a person of ordinary skill in the art at the time of the

invention to modify the similar technique as applied to the windows with priority that has clearly

mentioned in the priority windows of modified Odam above for easily to keep track of the

concurrency between the displayed windows and the related icons on the taskbar.

As to claim 63, Odam in view of Coulombe teaches the method of automatic control of

window overlap based on a user's history of window user, comprising:

automatically determining a priority of each window of a plurality of overlapping

windows displayed on a graphical user interface (overlapping windows are defined by the

predetermine criteria, the window having the highest priority being positioned in the visual

foreground of the workspace, e.g., col. 3 lines 10-30, col. 6 lines 16-22, and figs. 3, 9-12),

wherein said priority is derived from an amount of time during which scrolling is performed on a

window, wherein said scrolling includes dragging contents of a window to reveal additional

contents {Odam in view of Coulombe teaches predetermined frequency of access of the

application to determine the priority for that window application, and Coulombe also teaches that

the user can interact with viewing applications by moving/dragging/dropping or scrolling (scroll

bar 78 of fig. 3); therefore, Odam in view of Coulombe inherently teaches this feature. If Odam

in view of Coulombe does not clearly teach this feature, it would have been obvious to a person

of ordinary skill in the art at the time of the invention to modify the similar technique the performance/scrolling/browsing against the application/window to determine the priority of that application/window as applied to the windows with priority that has clearly mentioned in the priority windows of Odam in view of Coulombe above for bring the most working/using window upfront to ease the user when working with the multiple opened windows}; and

automatically arranging said plurality of windows to overlap one another in order of said priority on said graphical user interface (e.g., col. 3 lines 10-30, col. 6 lines 16-22, col. 7 lines 1-11, and figs. 3, 9-12).

As to dependent claim 64, Odam teaches storing one or more of said criteria (the current overlap value stored in variable MaxOverlap, e.g., col. 12 lines 14-17, and each priority number are stored in the memory of the system of Odam).

As to dependent claims 65-67, they are the equivalent claims 45-47 respectively and are rejected under a similar rationale.

As to dependent claim 68, it is the equivalent claim 49 and rejected under a similar rationale.

As to dependent claims 69-70, they are the equivalent claims 52-53 respectively and are rejected under a similar rationale.

As to claim 71, Odam teaches a method for automatic control of window overlap, comprising:

automatically determining priorities of each window of a plurality of overlapping windows displayed on a graphical user interface (e.g., col. 3 lines 10-30, col. 6 lines 16-22, and figs. 3, 9-12); and

automatically arranging said plurality of windows to overlap one another in order of said

priority on said graphical user interface, wherein said window priority is derived from a topic of

each window of said plurality of windows (note the rejection and the motivation to combine

Odam and Coulombe of claim 44 above),

wherein said topic of each window is determined by at least one keyword, and said

window priority is determined from a topic priority (The priority number is initially assigned to

each window according to some predefined criteria, e.g. the relative time of each window's

creation, a user's particular preference, the relative importance of each window, and the like, e.g.,

col. 7 lines 6-10, and col. 16 lines 11-19); therefore, Odam inherently teaches wherein said

window priority is derived from a topic of each window of said plurality of windows),

wherein said topic priority is determine by a number of times a window having said topic

is accessed (note the rejection and the motivation to combine Odam and Coulombe of claim 44

above), and

wherein said window priority is determined by i) scanning said window for said at least

one keyword, and determine a frequency of said at least one keyword in said window to

determine said topic of said window, and ii) assigning a priority based on said topic priority

{Odam also teaches that a logical overlap which means there is a critical area of each window

that the user does not want to be obstructed, it could be an ID, name, title, topic, etc. of the

displayed window (The priority number is initially assigned to each window according to some

predefined criteria, e.g. the relative time of each window's creation, a user's particular preference,

the relative importance of each window, and the like, e.g., col. 7 lines 6-10, and col. 16 lines 11-

19); therefore, Odam inherently teaches wherein said window priority is derived from a topic of

each window of said plurality of windows. However, Odam still does not teach the topic of the

window is determined by a frequency of occurrence of at least one keyword in the window, and

the priority of the topic is determined based on a number of times a window having the topic is

accessed. Coulombe teaches This relocation of selectable graphical objects provides an optimal

arrangement facilitating efficient user interaction with the data processing system by relocating

groups of selectable graphical objects in locations consistent with a predetermined frequency of

access criterion, duration of access criterion or other similar priority determinations (Coulombe,

e.g., Abstract, col. 2 lines 32-45). It would have been obvious to a person of ordinary skill in the

art at the time of the invention to modify the priority windows of Odam based on the frequency

access priority determination of Coulombe to provide a convenient way of enhancing user

efficiency in locating and accessing applications (Coulombe, e.g., Abstract)}.

5.   Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Odam et al. (U.S.

Patent No. 5,825,360) in view of Coulombe et al. (U.S. Patent No. 5,561,753), and further in

view of Bass et al. (U.S. Patent No. 4,559,533).

        As to dependent claim 49, Odam in view of Coulombe teaches the method further

comprising:

        automatically displaying for said window according to said priority on said graphical user

interface (see claim 44 above); however, the modified Odam still does not teach displaying

window in a color according the priority. Bass clearly teaches windows with colors (e.g., col. 11

lines 41-62, and fig. 6). It would have been obvious to a person of ordinary skill in the art at the

time of the invention to modify the priority windows of modified Odam in different colors as the

displayed windows of Bass to ease the viewer when visualizing the objects on the screen.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view

of the new ground(s) of rejection.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Kikuchi et al. (U.S. Patent No. 4,819,189) teach windows priority, interact with

applications, and cursor position (cols. 2-8 and figs. 1-3).

Capelli et al. (U.S. Patent No. 6,344,863 B1) teach windows priority (cols. 1-4

and figs. 1-3).

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Truc T. Chuong whose telephone number is 571-272-4134. The

examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Truc T. Chuong

05/01/06

WEILUN LO
SUPERVISORY PATENT EXAMINER